

Original

By: Henry

S.B. NO. 834

A BILL
TO BE ENTITLED

AN ACT amending Section 5.05 of the Texas Water Quality Act, as amended (codified as Article 7621d-1, Vernon's Texas Civil Statutes), relating to the delegation of functions and powers by the Texas Water Quality Board to local governments; providing severability; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 5. 5 of the Texas Water Quality Act, as amended (codified as Article 7621d-1, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 5.05. COOPERATIVE AGREEMENTS. (a) A local government may execute cooperative agreements with the board or other local governments:

"(1) to provide for the performance of water quality management, inspection, and enforcement functions and to provide technical aid and educational services to any party to the agreement; and

"(2) for the transfer of money or property from any party to the agreement to another party to the agreement for the purpose of water quality management, inspection, enforcement, technical aid and education, and the construction, ownership, purchase, maintenance, and operation of disposal systems.

"(b) Whenever in the opinion of the board it would facilitate and enhance the performance by a local government of its water quality management, inspection, and enforcement functions pursuant to a cooperative agreement between the local government and the board, as authorized in Subsection (a) of this section, the board may assign and delegate to the local government during

the period of the agreement such of the pertinent powers and functions vested in the board under this Act as in the judgment of the board may be necessary or helpful to the local government in performing those management, inspection, and enforcement functions. At anytime and from time to time, prior to the termination of the cooperative agreement, the board may modify or rescind any such assignment or delegation. The board shall notify immediately a local government to whom it assigns or delegates any powers and functions pursuant to this subsection or as to when it modifies or rescinds any such assignment or delegation."

Sec. 2. Severability Clause. The provisions of this Act are severable. If any word, phrase, clause, sentence, section, provision or part of this Act should be held to be invalid or unconstitutional, it shall not affect the validity of the remaining portions, and it is hereby declared to be the legislative intent that this Act would have been passed as to the remaining portions, regardless of the invalidity of any part.

Sec. 3. Emergency Clause. The importance to the public of the amendments in this Act creates an emergency and imperative public necessity demanding the suspension of the Constitutional Rule requiring bills to be read on three several days in each House, and the same is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

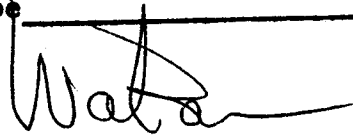
Austin, Texas

April 6, 1971

Hon. Ben Barnes
President of the Senate

Sir:

We, your Committee on ENVIRONMENTAL MATTERS,
to which was referred S. B. No. 834, have had the same
under consideration, and I am instructed to report it back to
the Senate with the recommendation that it do _____
pass _____ and be _____ printed.



MURRAY WATSON

Chairman

CAS

BILL ANALYSIS

BACKGROUND INFORMATION:

PURPOSE OF THE BILL:

To authorize the Texas Water Quality Board to delegate powers to local governments with whom the board has cooperative agreements for the purpose of water quality management, inspection, and enforcement functions.

SECTION BY SECTION SUMMARY:

Section 1: Amends Section 5.05 of Article 7621d-1, V.T.C.S. (The Texas Water Quality Act).

Section 5.05. Cooperative Agreements

(a) no change,

(b) is added. Pursuant to a cooperative agreement between the Water Quality Board and a local government for the purpose of governing the quality of water, the board may delegate to the local government powers necessary or helpful to the local government in performing management, inspection, and enforcement functions. The board may at any time modify or rescind such delegation.

Section 2: Severability clause.

Section 3: Emergency clause.

By: Herring

S. B. No. 834

A BILL TO BE ENTITLED

AN ACT

amending Section 5.05 of the Texas Water Quality Act, as amended
(codified as Article 7621d-1, Vernon's Texas Civil Statutes),
relating to the delegation of functions and powers by the
Texas Water Quality Board to local governments; providing
severability; and declaring an emergency._____

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 5.05 of the Texas Water Quality Act, as
amended (codified as Article 7621d-1, Vernon's Texas Civil Statutes),
is amended to read as follows:_____

"Section 5.05. COOPERATIVE AGREEMENTS. (a) A local
government may execute cooperative agreements with the board or
other local governments:_____

"(1) to provide for the performance of water quality
management, inspection, and enforcement functions and to provide
technical aid and educational services to any party to the
agreement; and _____

"(2) for the transfer of money or property from any party to
the agreement to another party to the agreement for the purpose
of water quality management, inspection, enforcement, technical aid
and education, and the construction, ownership, purchase,
maintenance, and operation of disposal systems._____

"(b) Whenever in the opinion of the board it would facilitate
and enhance the performance by a local government of its water
quality management, inspection, and enforcement functions pursuant
to a cooperative agreement between the local government and the
board, as authorized in Subsection (a) of this section, the board _____

may assign and delegate to the local government during the period of the agreement such of the pertinent powers and functions vested in the board under this Act as in the judgment of the board may be necessary or helpful to the local government in performing those management, inspection, and enforcement functions. At anytime and from time to time, prior to the termination of the cooperative agreement, the board may modify or rescind any such assignment or delegation. The board shall notify immediately a local government to whom it assigns or delegates any powers and functions pursuant to this subsection or as to when it modifies or rescinds any such assignment or delegation."

Sec. 2. Severability Clause. The provisions of this Act are severable. If any word, phrase, clause, sentence, section, provision or part of this Act should be held to be invalid or unconstitutional, it shall not affect the validity of the remaining portions, and it is hereby declared to be the legislative intent that this Act would have been passed as to the remaining portions, regardless of the invalidity of any part.

Sec. 3. Emergency Clause. The importance to the public of the amendments in this Act creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

FORM A

(For favorable and unfavorable reports on bills and resolutions, where no committee amendments are recommended.)

COMMITTEE REPORT

Date May 14, 1971

HON. G. F. (GUS) MUTSCHER

Speaker of the House of Representatives.

Sir:

We, your Committee on State Affairs, to whom was referred S.B. No. 834, have had the same under consideration

and beg to report back with recommendation that it do pass, and be printed

The Bill was reported from Committee by the following vote:

Unanimous voice vote

Joe R. Slides

Chairman.

(When this form is used for a favorable report on a general bill the words "do not" are marked out. If the bill is a local bill the word "not" should be inserted before the word "printed." When used for an unfavorable report the word "do" is marked out, the comma after "pass" is changed to a period, and the remaining words also marked out.

When this form is used for a simple or concurrent resolution the comma after "pass" should be changed to a period and the remaining words stricken out because resolutions are printed in the Journal when first introduced.)



1 By: Herring

S. B. No. 834

2 (In the Senate. --March 12, 1971, read first time and referred with the Secretary of the Senate;
3 March 15, 1971, read second time and referred to Committee on Environment; April 6,
4 1971, reported favorably; April 10, 1971, read second time and ordered
5 engrossed; April 15, 1971, Senate and Constitutional 3-Day Rules
6 suspended by vote of 31 yeas, 0 nays to place bill on third reading and
7 final passage; April 15, 1971, read third time and passed by 31 yeas, 0 nays.)

8 CHARLES SCHNABEL
9 Secretary of the Senate

10 April 15, 1971, Engrossed.

11 BEA LEWIS
12 Engrossing Clerk

13 April 15, 1971, Sent to House.

14 April 16, 1971, Received from the Senate.

15 DOROTHY HALLMAN

16 Chief Clerk, House of Representatives

17 (In the House. --April 16, 1971, read first time and referred to
18 Committee on State Affairs: May 17, 1971, reported favorably, passed by
19 unanimous voice vote, sent to Printer.)

20 A BILL

21 TO BE ENTITLED

22 AN ACT amending Section 5.05 of the Texas Water Quality Act,
23 as amended (codified as Article 7621d-1, Vernon's
24 Texas Civil Statutes), relating to the delegation of
25 functions and powers by the Texas Water Quality
26 Board to local governments; providing severability;
27 and declaring an emergency.

28 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

29 Section 1. Section 5.05 of the Texas Water Quality Act, as amended
30 (codified as Article 7621d-1, Vernon's Texas Civil Statutes), is amended
31 to read as follows:

32 "Section 5.05. COOPERATIVE AGREEMENTS. (a) A local government
33 may execute cooperative agreements with the board or other local
34 governments:

35 "(1) to provide for the performance of water quality management,
36 inspection, and enforcement functions and to provide technical aid
37 and educational services to any party to the agreement; and

38 "(2) for the transfer of money or property from any party to the
39 agreement to another party to the agreement for the purpose of water
40 quality management, inspection, enforcement, technical aid and education,
41 and the construction, ownership, purchase, maintenance, and operation
42 of disposal systems.

43 "(b) Whenever in the opinion of the board it would facilitate and enhance
44 the performance by a local government of its water quality management,
45 inspection, and enforcement functions pursuant to a cooperative agreement
46 between the local government and the board, as authorized in Subsection
47 (a) of this section, the board may assign and delegate to the local
48 government during the period of the agreement such of the pertinent
49 powers and functions vested in the board under this Act as in the judgment
50 of the board may be necessary or helpful to the local government in
51 performing those management, inspection, and enforcement functions.
52 At anytime and from time to time, prior to the termination of the
53 cooperative agreement, the board may modify or rescind any such
54 assignment or delegation. The board shall notify immediately a local
55 government to whom it assigns or delegates any powers and functions
56 pursuant to this subsection or as to when it modifies or rescinds any
57 such assignment or delegation."

58 Sec. 2. Severability Clause. The provisions of this Act are severable.
59 If any word, phrase, clause, sentence, section, provision or part of
60 this Act should be held to be invalid or unconstitutional, it shall not

1 affect the validity of the remaining portions, and it is hereby declared to
2 be the legislative intent that this Act would have been passed as to the
3 remaining portions, regardless of the invalidity of any part.
4 Sec. 3. Emergency Clause. The importance to the public of the
5 amendments in this Act creates an emergency and an imperative public
6 necessity that the Constitutional Rule requiring bills to be read on
7 three several days in each House be suspended, and the same is hereby
8 suspended; and this Act shall take effect and be in force from and after
9 its passage, and it is so enacted.

10
11 COMMITTEE REPORT

COMMITTEE ROOM

Austin, Texas, May 14, 1971

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13
14 Hon. G. F. (Gus) Mutscher, Speaker of the House of Representatives.

15 SIR: We, your Committee on State Affairs, to whom was referred S. B.
16 No. 834, have had the same under consideration and beg to report back with
17 recommendation that it do pass, and be printed.

18 James L. Slider, Chairman
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20 BILL ANALYSIS

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22 BACKGROUND INFORMATION:

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24 PURPOSE OF THE BILL:

25 To authorize the Texas Water Quality Board to delegate powers
26 to local governments with whom the board has cooperative agreements for
27 the purpose of water quality management, inspection, and enforcement
28 functions.
29

30 SECTION BY SECTION SUMMARY:

31 Section 1: Amends Section 5.05 of Article 7621d-1, V. T. C. S. (The Texas
32 Water Quality Acts).

33 Section 5.05. Cooperative Agreements

34 (a) no change,

35 (b) is added. Pursuant to a cooperative agreement between the
36 Water Quality Board and a local government for the purpose of
37 governing the quality of water, the board may delegate to the
38 local government powers necessary or helpful to the local govern-
39 ment in performing management, inspection, and enforcement
40 functions. The board may at any time modify or rescind such
41 delegation.

42 Section 2: Severability clause.

43 Section 3: Emergency clause.
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45 SUMMARY OF COMMITTEE ACTION:

46 S. B. No. 834 passed by unanimous voice vote.
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S.B. No. 0
~~S.B.~~ ~~No.~~

By Herring
Herring

Relating to delegation of functions and powers by the
Water Quality Board to local governments.

3-12-71
MAR 15 1971 Filed with the Secretary of the Senate
Read, referred to Committee on Environment
APR 6 1971 Reported favorably.
Reported adversely, with favorable Committee Substitute: Committee Substitute
read first time.
Ordered not printed.
Senate and Constitutional Rules to permit consideration suspended by
unanimous consent.
_____ yeas, _____ nays.
To permit consideration, reading and passage, Senate and Constitutional Rules
suspended by vote of _____ yeas, _____ nays.
APR 15 1971 Read second time and ☐ ordered engrossed.
☐ passed to third reading.
Caption ordered amended to conform to body of bill.
APR 15 1971 Senate and Constitutional 3-Day Rules suspended by vote of
31 yeas, 0 nays to place bill on third reading and final passage.
APR 15 1971 Read third time and passed by ☐ a viva voce vote.
31 yeas, 0 nays.

OTHER ACTION:

Charles Schnabel
Secretary of the Senate

4-15-71 Engrossed

APR 15 1971 Sent to HOUSE

ENGROSSING CLERK

APR 15 1971

Received from
the Senate

Dorothy Hallman

Chief Clerk, House of Representatives

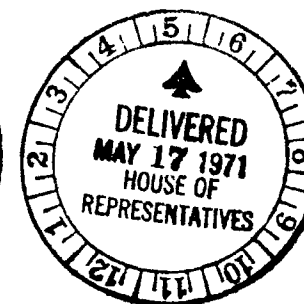
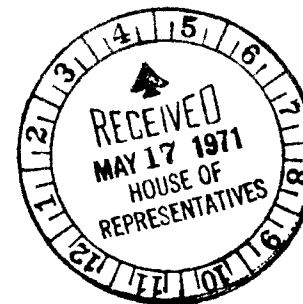
READ 1st TIME
AND REFERRED TO COMMITTEE ON

APR 15 1971 State Affairs

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 17 1971 REPORTED FAVORABLY SENT TO PRINTER.



PRINTED, DISTRIBUTED AND

REFERRED TO COMMITTEE ON

RULES 5:15 P M.

(Time)

MAY 17 1971

(Date)